

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CRAIG IVAN GILBERT,

Petitioner,

v.

CASE NO. 21-3149-SAC

STATE OF KANSAS, et al.,

Respondents.

MEMORANDUM AND ORDER

This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. On June 22, 2021, Petitioner filed a handwritten petition for writ of habeas corpus and a handwritten motion for leave to proceed *in forma pauperis*. Local Rule 9.1(g) requires petitions for writs of habeas corpus pursuant to 28 U.S.C. § 2241 to be "on forms approved by the court." See D. Kan. Rule 9.1. Additionally, 28 U.S.C. § 1915(a)(2) requires prisoners seeking to proceed *in forma pauperis* to "submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint." Petitioner's initial filings in this case did not comply with Local Rule 9.1(g) or 28 U.S.C. § 1915(a)(2).

On June 22, 2021, the Court ordered Petitioner to re-submit his petition on court-approved forms and provide the required financial information to support his motion to proceed *in forma pauperis*. (Doc. 3.) The order informed Petitioner that he must do so within 30 days or "this action may be dismissed without further notice for failure to comply with this court order." *Id.* at 2. On

July 2, 2021, Petitioner filed a document entitled "Motion for Reconsideration." (Doc. 4.) The one-page document contains two passages from the Bible and poses the question "Is 18 U.S.C. [§] 3 A Valid 'Removal' Statute of a 'Criminal Prosecution' Commenced in State Court [Requiring] Specific Forms and 'Filing Fees.'" *Id.* p. 1. Petitioner has not resubmitted his petition on court-approved forms as directed, nor has he provided the statutorily required financial information.

Accordingly, the Court will deny Petitioner's motion to proceed *in forma pauperis* for failure to comply with 28 U.S.C. § 1915(a)(2). The Court will also dismiss this matter without prejudice for failure to comply with Local Rule 9.1(g) and failure to comply with the Court's previous order. The Court concludes that its procedural ruling in this matter is not subject to debate among jurists of reason and declines to issue a certificate of appealability. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS, THEREFORE, BY THE COURT ORDERED that Petitioner's motion for leave to proceed *in forma pauperis* (Doc. 2) is **denied**.

IT IS FURTHER ORDERED that this matter is **dismissed** without prejudice. No certificate of appealability will issue.

IT IS SO ORDERED.

DATED: This 23rd day of July, 2021, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW
U.S. Senior District Judge